

S.1046

Pledge Protection Act of 2005 (Introduced in Senate)

S 1046 IS

109th CONGRESS

1st Session

S. 1046

To amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

IN THE SENATE OF THE UNITED STATES

May 17, 2005

Mr. KYL (for himself, Mr. TALENT, Mr. BROWNBACK, Mr. INHOFE, Mr. STEVENS, Mr. COBURN, Mr. BUNNING, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Pledge Protection Act of 2005'.

SEC. 2. LIMITATION ON JURISDICTION.

(a) In General- Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

`Sec. 1632. Limitation on jurisdiction

`(a) Except as provided in subsection (b), no court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or

the validity under the Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation.

`(b) The limitation in subsection (a) does not apply to--

`(1) any court established by Congress under its power to make needful rules and regulation respecting the territory of the United States; or

`(2) the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.'.

(b) Clerical Amendment- The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

`1632. Limitation on jurisdiction.'.